

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
04-10098-WGY

* * * * *
UNITED STATES OF AMERICA
v.
JENNIFER PAVAO
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

May 1, 2006

1 **THE COURT:** Ms. Jennifer Pavao, in consideration of
2 the factors which this Court must evaluate under 18 United
3 States Code, Section 3553, the information from the United
4 States Attorney, the probation office, your attorney and
5 yourself, the Court sentences you to three years in the
6 custody of the United States Attorney General to be followed
7 by five years of supervised release.

8 The Court imposes upon you no fine due to your
9 inability to pay a fine, and a \$100 special assessment.

10 The special conditions of your supervised release
11 are that you shall submit to the collection of a DNA sample
12 as directed by the probation office. You're prohibited from
13 possessing a firearm or other dangerous weapon. You're to
14 participate in a program for substance abuse which program
15 may include testing not to exceed 104 drug tests per year.
16 You're to participate in a mental health treatment program,
17 and you are required to contribute to the costs of both of
18 those programs to the extent of your ability so to
19 contribute.

20 Let me explain that sentence to you. Now, that's a
21 three year sentence.

22 I should say you have credit toward that sentence
23 from the period from March 16th through March 24th, 2004,
24 and from May 2nd, 2005 to the present when you were in
25 federal custody.

1 It's very important that you understand the reason
2 for this sentence. Your explanation, your talk to the Court
3 is, with one exception, about as honest a talk as I've
4 heard. Lots of people when they're ready to be sentenced
5 say I'm sorry. I recognize what I did was wrong. And lots
6 of people say I've changed my life. And I must admit I'm
7 generally skeptical.

8 You said something that's terribly, terribly
9 important. You said, and I believe it, what the time away
10 from your family has in fact done for you. And you said
11 further what seeing other people brought into Framingham,
12 their families ruined, their children left alone because of
13 drugs, how that has caused you to have a deeper
14 understanding of what you were involved in. And that I
15 believe.

16 You also said -- you also asked, as your attorney
17 so ably asked for you, could I give you one more chance.
18 And I'm telling you courts aren't about one more chances. I
19 made this a three year sentence. You were looking at ten.
20 You know that. I made it a three year sentence. My
21 responsibility.

22 The government's been fair throughout here.
23 They've treated everyone equally. They've made
24 recommendations that make sense. I've gone lower in your
25 case. But I can't go under the three. Here's why.

1 Because what you in fact did has -- we don't have
2 to trace out every bit of those drugs, because that's ruined
3 other families and other mothers, fouled up other children.
4 And it's just not, it cannot be an excuse that -- and I've
5 read what your doctor says with great care. You're a person
6 who's had low self-esteem. Nothing much I can say this
7 afternoon is going to change that. Certainly sending you to
8 prison is not going to change that. I don't pretend that it
9 does. I don't -- no judge -- I don't feel good about any
10 sentence I ever impose.

11 But I ask you to think about this. These people,
12 your family, who are sitting here, and who have supported
13 you and who you've properly thanked for their support, they
14 see how tough and strong and independent you really are.
15 You may not see that, but they see it far better than I.

16 Mr. Andrews has made the argument about what you've
17 done. You've said, and I believe it, about burning your
18 bridges behind you so that you can prepare yourself for a
19 new life. I believe that.

20 The sentence imposed is designed to deter other
21 people from doing what you've done. It simply cannot be an
22 excuse that you were dependent upon a guy with whom you had
23 a relationship. That can't cut it. Though in your case Mr.
24 Andrews properly argues that's why you did what you did. I
25 believe that.

1 Now, this is a sentence, with the approximately 14
2 months you've already done, this is a sentence, 16, 17
3 months. You can do that. You're going to get help during
4 the period of supervised release that follows. That help is
5 really for you. This is a just and a fair sentence. It is
6 the sentence of this Court.

7 You have the right to appeal from this sentence and
8 any findings and rulings that the Court has made. Should
9 you appeal and should your appeal be successful in whole or
10 in part and the case remanded resentencing will be before
11 another judge.

12 Mr. Andrews, should you determine to appeal, should
13 your client determine to appeal, I want you to order from
14 the court reporter the transcript prior to filing the notice
15 of appeal because I will act on it immediately and that will
16 cut down the time for transcript preparation.

17 Do you understand that?

18 **MR. ANDREWS:** I do, your Honor.

19 **THE COURT:** That's the sentence of the Court.
20 We'll recess.

21 **THE CLERK:** All rise. Court is in recess.

22 (Whereupon the matter concluded.)
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